



Dkt. 05076

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

STEPHANE DESJONQUERES

Serial No.: 10/538,835

Filed: June 13, 2005

Group Art Unit: 4173

Examiner: C. R. Stone

For: OIL COMPOSITION BASED ON PEROXIDISED LIPIDS,
WHICH CAN BE USED IN THE TREATMENT OF XEROSTOMIA

RESPONSE TO RESTRICTION REQUIREMENT

Honorable Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

Sir:

In response to the restriction requirement mailed November 27, 2007, Applicant elects composition Claims 1 to 14, with traverse, for prosecution in this application.

The restriction requirement alleges that Groups I and II do not relate to a single general inventive concept on the basis that the composition of Group I is not novel, citing FR 2705568, Example 1.

Example 1 of FR 2705568 discloses a composition which is placed within gelatin capsules, the composition comprising 136.800 kg peroxydized oil, 3.00 kg perfume and 10.200 kg colloidal silica. The total weight of the composition is thus 150 kg, of which 10.200 kg is colloidal silica, or 6.8% by weight.

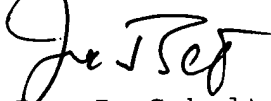
According to the claimed invention, the silica content is less than 4% by weight.

Moreover, for the purposes of the present invention, treatment of xerostomia, it is necessary to have a composition having a specific viscosity enabling lining of the mucous membranes of the buccal cavity by spraying thereon. The composition inside the capsules of FR 2705568 presents a viscosity which is much too high and could not be used for the purposes of the invention.

The present application makes clear that the specific viscosity of the composition based on the presence of a specific quantity of silica is an essential feature of the invention.

Accordingly, withdrawal of the restriction requirement is requested.

Respectfully submitted,



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